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Attorneys for Defendant
DUSTIN MIYAKAWA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 18-00063 DKW
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING TRIAL DATE
vs.)	AND EXCLUDING TIME UNDER
)	THE SPEEDY TRIAL ACT
DUSTIN MIYAKAWA,)	
)	
Defendant.)	OLD TRIAL DATE: 11/26/2018
)	NEW TRIAL DATE: 04/08/2019

STIPULATION CONTINUING TRIAL DATE
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

A. The United States of America and the Defendant, Dustin Miyakawa, through their respective attorneys, hereby agree and stipulate to continue the trial in this case and to exclude the time period from November 26, 2018 and the new trial date from computation under the Speedy Trial Act. The reason(s) for the continuance are that counsel for the Defendants require

additional time to obtain and review voluminous discovery -which includes electronically stored information from twenty (20) devices-, assess any available defenses, and confer with and advise the defendant. The Government agrees to the continuance.

B. The parties further agree that the ends of justice served by the continuance outweigh the best interests of the Defendant and the public in a speedy trial, and [check all that apply, but per the statute 2 and 3 cannot both be checked]:

1. The failure to grant such a continuance would be likely

___to make a continuation of such proceeding impossible

Xto result in a miscarriage of justice.

2. The case is so

___unusual

___complex

due to

___the number of defendants

___the nature of the prosecution

___the existence of novel questions of fact or law

that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself

within the time limits established by the Speedy Trial Act.

3. The failure to grant the continuance would

☐ deny the defendant reasonable time to obtain counsel

☐ unreasonably deny the defendant continuity of counsel

☐ unreasonably deny the government continuity of counsel

☒ deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence

☐ deny counsel for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

4. (Other factors considered)_____.

C. The parties further agree that the period of time from November 26, 2018 to and including April 8, 2019, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must

commence pursuant to the Speedy Trial Act, 18 U.S.C.

§§ 3161(h)(7)(A) and (h)(7)(B).

DATED: October 31, 2018, Honolulu, Hawaii.

Respectfully submitted,

/s/ Thomas M. Otake
THOMAS M. OTAKE

/s/ Lynn E. Panagakos
LYNN E. PANAGAKOS

Attorneys for Defendant
DUSTIN MIYAKAWA

KENJI M. PRICE
United States Attorney
District of Hawaii

By /s/ Morgan Early
MORGAN EARLY
Assistant U.S. Attorney

Attorney for United States

ORDER CONTINUING TRIAL AND EXCLUDING SPEEDY TRIAL ACT TIME

The above Stipulation Continuing Trial Date And Excluding Time Under the Speedy Trial Act is hereby approved, and the agreements set forth in paragraphs A, B, and C of the Stipulation are adopted as findings by the court. For the reasons stated, IT IS HEREBY ORDERED:

(1) the jury selection and trial are set for April 8, 2019 at 9:00 a.m. before the Honorable Derrick K. Watson;

(2) the final pretrial conference is set for March 11, 2019 at 10:00 a.m. before the Honorable Kevin S.C. Chang;

(3) defense motions are due on February 25, 2019, and the government's responses are due on March 11, 2019.

IT IS FURTHER ORDERED that the period of time from November 26, 2018 to and including April 8, 2019, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B).

DATED: November 1, 2018 at Honolulu, Hawai'i.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge